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Central Intelligence Agency



Washington, D.C. 20505

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OCA 86-2334

The Honorable Bob Stump
Ranking Minority Member
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Stump:

As you know, now that the House and Senate have passed their versions of the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1985" (H.R. 4151), the next step is a Conference between Members of the House Foreign Affairs and Senate Foreign Relations Committees to resolve differences in the two bills. While the Agency supports most elements of the proposed legislation, I want to call to your attention and seek your support on one remaining issue of fundamental concern to us pertaining to the diplomatic security provisions (Titles I-IV) of the bills. Outlined below are two actions that we hope will be taken at the Conference to clarify and reaffirm the cooperative relationship CIA has maintained with the Department of State for over three decades with respect to the staffing of U.S. posts and missions abroad.

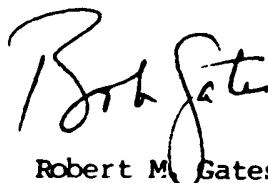
First, in order to ensure that the Director of Central Intelligence maintains his current authorities in this area, we urge that the Conference adopt Section 106(b) of the House-passed bill, which states in pertinent part that "nothing contained in [the diplomatic security provisions] shall be construed to limit or impair the authority or responsibility of any Federal... agency with respect to...intelligence activities..." The Senate's version of Section 106(b), although similar in some respects, contains ambiguous language calling for the issuance of "regulations" to accomplish this objective. We strongly prefer the House version, and for this reason we were pleased to learn in the past few days that a tentative House/Senate staff agreement has been reached whereby the Senate would recede to the House version at the Conference. Since in our view it is essential that the House version of Section 106(b) prevails, I would greatly appreciate any assistance that you and your staff can provide to ensure that this takes place.

The second action we hope occurs in Conference is the adoption of language in the Conference report clarifying the intent of Section 103(b)(2) of the legislation. The House and Senate-passed versions are identical in providing that the Secretary of State shall "establish appropriate staffing levels" for all U.S. posts or missions abroad. During the Senate's consideration of H.R. 4151, the Administration formally sought an amendment of Section 103(b)(2) to require the Secretary to coordinate rather than establish overseas staffing levels on the grounds that, as drafted, the section could diminish the management prerogatives of other agency heads. Apparently, because of the press of

business on the Senate floor, this and other Administration-supported amendments were not included in the bill passed by the Senate on 26 June. Accordingly, to clarify the record on the intent and scope of Section 103(b)(2), we plan to seek the inclusion of language in the Conference report to indicate that it is not intended to alter long-standing and unique arrangements on overseas staffing levels that exist between the Department of State and those agencies covered in Section 106(b). The adoption of such report language, together with the House-passed version of Section 106(b), will satisfy our concerns regarding the diplomatic security provisions of H.R. 4151 by maintaining the status quo of our long-established, cooperative relationship with State.

I would be grateful for any support that you or your staff can provide in protecting CIA equities on this issue at the House/Senate Conference on H.R. 4151. If you have further questions, please do not hesitate to contact me or Dave Gries. A similar letter is being sent to Chairman Hamilton.

Sincerely,



Robert M. Gates
Acting Director of Central Intelligence

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